

EXHIBIT “B”

Daniel I. Winter, Esq. (001922007)
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Attorneys for Defendant
THE STOP & SHOP SUPERMARKET COMPANY LLC s/h/a
STOP AND SHOP
Our File No.: 23001-142

JOVANKA PEGUERO,

Plaintiff,

vs.

Stop & Shop, AND JOHN DOE I-III,

Defendants.

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: HUDSON COUNTY

DOCKET NO: HUD-L-3889-21

CIVIL ACTION

**ANSWER TO PLAINTIFF'S COMPLAINT
WITH JURY DEMAND**

Defendant, **THE STOP & SHOP SUPERMARKET COMPANY LLC s/h/a**
STOP AND SHOP by way of Answer to Plaintiff's Complaint, says:

FIRST COUNT

1. Denies having knowledge and information as to each and every allegation contained in paragraph designated "1" of the FIRST COUNT of the Complaint and refers all questions of law to the Honorable Court.

2. Denies upon information and belief as to each and every allegation contained in paragraph designated "2" of the FIRST COUNT of the Complaint and refers all questions of law to the Honorable Court.

3. Denies upon information and belief as to each and every allegation contained in paragraph designated “3” of the FIRST COUNT of the Complaint and refers all questions of law to the Honorable Court.

4. Denies upon information and belief as to each and every allegation contained in paragraph designated “4” of the FIRST COUNT of the Complaint and refers all questions of law to the Honorable Court.

5. Denies having knowledge and information as to each and every allegation contained in paragraph designated “5” of the FIRST COUNT of the Complaint.

6. Denies upon information and belief as to each and every allegation contained in paragraph designated “6” of the FIRST COUNT of the Complaint as to the Answering Defendant, denies having knowledge and information as to all other Defendants and refers all questions of law to the Honorable Court.

7. Denies upon information and belief as to each and every allegation contained in paragraph designated “7” of the FIRST COUNT of the Complaint as to the Answering Defendant, denies having knowledge and information as to all other Defendants and refers all questions of law to the Honorable Court.

WHEREFORE, Defendant, **THE STOP & SHOP SUPERMARKET COMPANY LLC s/h/a STOP AND SHOP** demands judgment dismissing the Complaint and awarding attorney’s fees and costs of suit and any further relief the Court deems equitable and just.

FIRST AFFIRMATIVE DEFENSE

If the Plaintiff suffered damages, the same were caused by the Plaintiff’s sole negligence.

SECOND AFFIRMATIVE DEFENSE

If the Plaintiff suffered damages, the same were caused by the Plaintiff's contributory negligence.

THIRD AFFIRMATIVE DEFENSE

If the Plaintiff suffered damages, the same were caused by third parties over which the Answering Defendant had no control.

FOURTH AFFIRMATIVE DEFENSE

The Answering Defendant's conduct was not negligent.

FIFTH AFFIRMATIVE DEFENSE

The Answering Defendant's conduct was not the proximate cause of the Plaintiff's alleged damages.

SIXTH AFFIRMATIVE DEFENSE

At the time and place aforesaid, Plaintiff was negligent, barring or limiting recovery in whole or in part and the Answering Defendant pleads the Comparative Negligence Statute as to all parties.

SEVENTH AFFIRMATIVE DEFENSE

The alleged damages complained of were due to unavoidable circumstances and causes beyond the control or fault of the Answering Defendant.

EIGHTH AFFIRMATIVE DEFENSE

This action is barred by the Statute of Limitations.

NINTH AFFIRMATIVE DEFENSE

This case should be dismissed on the grounds that there is no personal jurisdiction over the Answering Defendant.

TENTH AFFIRMATIVE DEFENSE

Plaintiff's complaint fails to state a cause of action.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiff has recovered the costs of medical care, dental care, custodial care, rehabilitation services, loss of earnings and other economical loss and any future such loss or expense will, with reasonable probability, be replaced or indemnified in whole or in part from collateral sources. Any award made to Plaintiff shall be reduced in accordance with the provisions of N.J.S.A. 2A:15-97.

TWELFTH AFFIRMATIVE DEFENSE

The incident which forms the basis of this litigation and which allegedly caused the injuries and damages to Plaintiff was proximately caused or contributed to by the fault of third parties which are not parties to this suit. The responsibility of the Answering Defendant and the right of Plaintiff to recover in this litigation can only be determined after the percentages of responsibility of all parties, whether or not settled, to this litigation have been determined. Accordingly, the Answering Defendant seeks an adjudication of the percentage of fault of the Plaintiff, and each and every person whose fault contributed to this incident pursuant to R. 4:7-5(c) and Young v. Latta, 123 N.J. 584 (1991).

NOTICE TO PRODUCE DOCUMENTS

PLEASE TAKE NOTICE that pursuant to Rule 4:18-1, request is hereby made of the Plaintiff, by the Answering Defendant, that you produce true, complete and accurate copies of the following documents to this office, within thirty (30) days of the date hereof:

1. Copies of any prior discovery, including pleadings; motions; Orders; answers to interrogatories; deposition transcripts; demand for documents; request for admissions; and responses thereto exchanged between parties in this action, with attachments and/or amendments.

REQUEST FOR STATEMENT OF DAMAGES

TO: **ATTORNEY FOR PLAINTIFF**

PLEASE TAKE NOTICE that in accordance with Rule 4:5-2, the undersigned requests that within five (5) days of service hereof upon you, you serve upon us a written statement of the amount of damages claimed in the above-entitled action.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, be advised that **DANIEL I. WINTER, ESQ.**, has been assigned as trial counsel on behalf of **THE STOP & SHOP SUPERMARKET COMPANY LLC s/h/a STOP AND SHOP** in the above-captioned matter.

CERTIFICATION PURSUANT TO R.1:38-7(b)

I certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b).

JURY DEMAND

Defendant, **THE STOP & SHOP SUPERMARKET COMPANY LLC s/h/a STOP
AND SHOP** hereby demands a trial by jury on all issues.

CULLEN AND DYKMAN, LLP

/s/ Daniel I. Winter

By:

DANIEL I. WINTER, ESQ.

Dated: May 19, 2022

CERTIFICATION OF COUNSEL

1. Pursuant to Rule 4:5-1, the undersigned hereby certifies that at the time of filing of this pleading, the matter in controversy is not the subject of any other action pending in any Court and/or Arbitration proceeding.

2. I certify that the within pleading was filed within the time prescribed by the New Jersey Court Rules and that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

CULLEN AND DYKMAN, LLP

/s/ Daniel I. Winter

By: _____
DANIEL I. WINTER, ESQ.

Dated: May 19, 2022

CERTIFICATE OF MAILING

I, DANIEL I. WINTER, ESQ., certify that on the 19th day of May 2022, I forwarded a copy of the within **ANSWER ON BEHALF OF THE STOP & SHOP SUPERMARKET COMPANY LLC s/h/a STOP AND SHOP, SEPERATE DEFENSES, REQUEST FOR DOCUMENTS, REQUEST FOR WRITTEN STATEMENT OF DAMAGES CLAIMED, DESIGNATION OF TRIAL COUNSEL and JURY DEMAND** to the following attorneys for the respective parties hereto, via E-Filing:

Michael T. Valentino, Esq.
AGRAPIDIS & MAROULES, P.C.
777 Terrace Avenue – suite 504
Hasbrouck Heights, New Jersey 07604
Attorney for Plaintiff

I certify that the foregoing statements made by me are true. I am aware that if any of the statements made by me are willfully false, I am subject to punishment.

CULLEN AND DYKMAN, LLP

/s/ Daniel I. Winter

DANIEL I. WINTER, ESQ.

Dated: May 19, 2022